IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1049 OF 2006
IN
APPEAL NO.487 OF 1999.
IN
CHAMBER SUMMONS NO.140 OF 1999
IN
SUIT NO.3581 OF 1986

Omega Investment & Properties Ltd. ...Applicant

V/s

Industrieal Development Bank of India & Ors. ...Respondents

Mr.A.K.Singh for the Applicant.
Mr.U.S.Patole, Assistant Official Liquidator for Respondent No.2.
Mr.Aasish Kamat for Kotak Mahindra Bank Ltd.

CORAM : DR.S.RADHAKRISHNAN & S.J.VAZIFDAR, JJ.

DATE : 7TH APRIL, 2006.

P.C.:

1. Heard the learned Counsel for the Applicant. None appears for the Respondents though served. Perused the Notice of Motion and the affidavit-in-support thereof. By this Notice of Motion, the Applicant is seeking to recall the order dated 27th March, 2006, whereby the above appeal came to be dismissed in default. For the reasons stated in the affidavit-in-support of the Notice of Motion, sufficient cause is made out for setting aside the order dated 27th March, 2006. There is no case of

inaction, negligence or want of bonafide on the part of the Applicant. Hence, Notice of Motion is made absolute in terms of prayer clause(a).

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)